

SERVICE DATE - JUNE 1, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-254 (Sub-No. 7X)

PROVIDENCE AND WORCESTER RAILROAD COMPANY—ABANDONMENT
EXEMPTION—IN WORCESTER COUNTY, MA, AND WINDHAM COUNTY, CT

Decided: May 28, 2004

Providence and Worcester Railroad Company (P&W) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a portion of its line of railroad known as the Southbridge Running Track, extending from milepost 0.18, in Webster, MA, to milepost 10.98, in Southbridge, MA, a distance of approximately 10.8 miles, in Worcester County, MA, and Windham County, CT. Notice of the exemption was served and published in the Federal Register on November 4, 2003 (68 FR 62497-98).

By decision and notice of interim trail use or abandonment (NITU) served December 3, 2003, the proceeding was reopened and a 180-day period authorized the Commonwealth of Massachusetts, by and through its Executive Office of Transportation and Construction (EOTC), to negotiate an interim trail use/rail banking agreement with P&W for the portion of the right-of-way between milepost 0.18, in Webster, and milepost 1.4 +/-, in Dudley, and between milepost 4.8 +/-, in Dudley, and milepost 10.98, in Southbridge, MA, under the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). The trail use negotiating period is scheduled to expire on June 1, 2004.¹

On May 26, 2004, EOTC filed a request to extend the NITU negotiating period for an additional 6 months. EOTC states that, although it has been working diligently to complete the negotiations, it does not anticipate being able to do so by June 1, 2004. By facsimile filed on May 26, 2004, P&W agrees to an extension of the negotiating period, but only for 60 days.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended, but only for the period of time agreed to by the railroad because trail use/rail banking is voluntary. An extension of the negotiating period will promote the

¹ The December 3, 2003 decision also imposed a public use condition, which is scheduled to expire on June 1, 2004, and several environmental conditions, which remain in effect.

establishment of trail use and rail banking consistent with the Trails Act.² Accordingly, the NITU negotiating period will be extended for an additional 60 days to July 31, 2004.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The request to extend the NITU negotiating period is granted for a period of 60 days (until July 31, 2004).
2. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary

² See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).